GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – MA&UD - Andhra Pradesh Housing Board –Implementation of Orders of the Hon'ble High Court dated 06.11.2014 in WP No. 27530 of 2008 and batch cases - Orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (UH) DEPARTMENT

G.O.MS.No. 216 **Dated: 30-05-2017**

Read the following:

1. From the VC & HC, AP Housing Board, Hyderabad in Lr.No.8391/ WC-Pen/Q6/CAO/2013-15,dt.23.04.2015.
2. From the VC & HC, AP Housing Board, Hyderabad in Lr.No.8391/Q6/CAO/2011, dt.10.09.2016.
3. OA. No.2772/2006 with VMA, dt.08.12.2009.
4. WP.No.27530 OF 2008; 17094, 17568 & 19659 of 2010 & CC.No.192 of 2009 dt.06.11.2014.
5. From the Hon'ble Supreme Court orders in SLP.No. 7986-7988/2016, dt.02.05.2016.
6. From the VC & HC, AP Housing Board, Hyderabad in Lr.No.8391/Q6/CAO/2011, dt.14.03.2017
7. From the VC&HC, APHB Lr.No.8391/Q6/CAO/2013-17, dt.20.4.2017.

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O R D E R:-

In the references 1st, 2nd and 6th read above, the Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Prasadampadu, AP Vijayawada has stated that the AP Housing Board is constituted as a Statutory Body and has come into existence w.e.f 01.07.1960 under the provisions of the AP Housing Board Act, 1956, the Board consists of two types of employees i.e. Regular Employees and Work Charged Employees. Government in the year 1994 have issued pension rules for the employees of the Housing Board vide G.O.Ms.Nos. 74 & 75 Housing (H.I) Department, dt.29.07.1994. The APHB has extended the said G.O.Ms.Nos. 74 & 75 Housing (H.I) Department, dt.29.07.1994 to both Regular Employees and Work Charged Employees of the Board. There were 48 work charged employees and their services were being provincialized from time to time in terms of G.O.Ms.No.130 Irrigation & Power (Ser.V) Department, dt.18.03.1981 and G.O.Ms.No.212 Irrigation & Power (PAC.III) Department, dt.29.03.1979 and were treated as regular employees. Pension had been paid to these 48 work charged employees till 2004 under G.O.Ms.Nos. 74 & 75 Housing (H.I) Department, dt.29.07.1994.

2. The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Prasadampadu, AP Vijayawada has also stated that the Andhra Pradesh Housing Board, AP, Hyderabad had issued a show cause notice dt.19.04.2006 to all the existing 48 work charged pensioners, who were getting pension at that time, directing them to show cause as to why their monthly pension should not be stopped forthwith, as the work charged employees were not entitled for payment of pension. Aggrieved, the retired work charged pensioners have filed OA No.2772/2006 with VMA 625/2006 and CA 154/2006 and OA No.2861/2006 with VMA 623/2006 and CA 541/2006 before the Hon'ble AP Administrative Tribunal. The APAT in its order dt.08.12.2009 has set aside the notice dt.19.04.2006 of the APHB on the ground that the notice was passed after a lapse of more than a decade and also relied on Apex Court decision in H.L.Tehran Vs Union of India reported in 1989(1) SLR 7.

3. The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Prasadampadu, AP Vijayawada has further stated that as per the APAT orders dated 08.12.2009 the work charged employees were paid the Dearness Relief @ Dearness Allowance subsisted as on May 2005 but has not allowed any further increases in Dearness Relief and also not implemented PRC Recommendations made so far. The work charged pensioners have represented for releasing of dearness relief being

enhanced from time to time by Government and also to implement PRC recommendations on par with regular employees.

4. The Vice-Chairman & Housing Commissioner, AP Housing Board has informed that the Housing Board has challenged the orders dated 08.12.2009 of the APAT Hyderabad before Hon'ble High Court by filing Writ Petition Nos.17094/2010, 17568/2010 & 19659/2010. The Hon'ble High Court of Andhra Pradesh, Hyderabad in their common order dt.06.11.2014 duly confirming the APAT orders dated 08.12.2009 have dismissed the Writ Petitions Nos.17094/2010, 17568/2010 & 19659/2010 pronouncing that the findings of the APAT cannot be said to be perverse or contrary to Law and no interference by the Court is necessary as such the Writ Petitions are devoid of merit and liable to be dismissed. The APHB has filed a Special Leave Petition No.7986-7988/2016 before the Hon'ble Supreme Court of India challenging the orders dated 06.11.2014 of the Hon'ble High Court in Writ Petition Nos.17094/2010, 17568/2010 & 19659/2010. The Hon'ble Supreme Court of India in their order dt.02.05.2016 in SLP No.7986-7988/2016 dismissed the SLP both on the ground of delay as well as on merit, and conformed the order of the AP High Court common order dt.06.11.2014 in Writ Petitions Nos. 17094/2010, 17568/2010 & 19659/2010.

5. The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Prasadampadu, AP Vijayawada vide reference 6th cited has informed that the Contempt Case No.2501/2015 filed by Smt. Yadamma and others, work charged employees has come up for hearing before the Hon'ble High Court on 09.03.2017. The Hon'ble High Court have taken a serious view for non-compliance of the orders of Hon'ble Supreme Court, and directed the Housing Board to take necessary action and posted the case for hearing in the next week. Therefore, the Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, AP, Vijayawada has requested the Government to issue orders in the matter.

6. Government in the light of the orders issued in G.O.Ms.No.212, Irrigation & Power (PAC.II) Department, dt.29.03.1979, G.O.Ms.No.130, Irrigation & Power (Ser.V) Department, dt.18.3.1981 and after careful examination of the matter hereby accord permission to the Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board to restore pensionary benefits to the 48 Work Charged Employees as allowed under G.O.Ms.No.71 & 75, dt.29.9.1994, duly implementing the orders of the Hon'ble Supreme Court, dt.2.5.2016 in SLP No.7986-7988/2016 and along with all consequential benefits as per rules in force applicable to the A.P. Housing Board, Vijayawada.

7. The Vice Chairman & Housing Commissioner, Andhra Pradesh Housing Board, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Vice Chairman & Housing Commissioner,
Andhra Pradesh Housing Board, Prasadampadu, Vijayawada,
Copy to:-
PS to Hon'ble Minister (MA)
PS to Principal Secretary to MA&UD Dept.
SF/SC.

// FORWARDED :: BY ORDER //

SECTION OFFICER